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SEP 23 2005

Attorney Docket No.: 213187-00004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arnold et al
 Application No.: 10/039,924
 Title: REAL TIME INTERACTIVE VIDEO SYSTEM
 Filing Date: November 9, 2001
 Group Art Unit: Not Assigned
 Examiner: Not assigned
 Confirmation No. 1796

**CERTIFICATION OF
TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted ((571) 273-8300) to the United States Patent and Trademark Office on

9-23-05

Date

Janelle A. Wiggins
 Signature

Janelle A. Wiggins
 Printed Name of Person Signing Certificate

Petition to Make Special
(37 CFR §1.102 and MPEP §708.02)

Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Applicant hereby petitions under 37 CFR §1.102 and MPEP §708.02 to make the above-identified application special based on actual infringement of the pending claims in the above-identified patent application. Accompanying this Petition are the following:

- Preliminary Amendment
- Petition Fee

Remarks

MPEP §708-02, VIII requires the following criteria to be satisfied in order to prevail on a Petition to Make Special based on infringement:

"(A) that there is an actual infringing device or product actually on the market or method in use;

(B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that in his or her

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opinion, some of the claims are unquestionably infringed; and

(C) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art."

It is respectfully submitted that the above identified application meets the criteria set forth above. In particular, the undersigned respectfully asserts that an infringing product is actually on the market and that upon a comparison of a product on the market with the current claims, it is my opinion that at least some of the claims are unquestionably infringed. It is also submitted that a search of the prior art has been conducted. An Information Disclosure Statement identifying prior art located was filed in this case on August 28, 2003.

The amount of \$130.00 is required under 37 CFR §1.17(h). Should it be determined that additional fees are required, the United States Patent and Trademark Office is hereby authorized to charge \$130.00 plus any additional fees to Deposit Account No. 50-1214 of the undersigned.

All of the claims presented in the above-identified application, as amended by way of a Preliminary Amendment filed herewith, are directed to a single invention.

Based on the above, the applicant respectfully requests favorable consideration of the Petition.

KATTEN MUCHIN ROSENMAN LLP

By: 
John S. Paniaguas
Registration No. 31,051

Date: September 23, 2005

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